

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

ONE HUNDREDTH LEGISLATIVE DAY
TUESDAY, APRIL 21, 2009

House of Representatives

The House convened at 9:30 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused – Black, Clark. Total – 2.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Spencer Powell, Page.

Approval of Journal

April 21, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Ninety-ninth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

THE OFFICE OF THE GOVERNOR
Boise

April 17, 2009

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I am returning herewith, without my approval, disapproved and vetoed:

[H 161](#), as amended

within the time limited by law, the same having arrived in the Office of the Governor at the hour of 12 noon on April 14, 2009.

It is unclear what issue this legislation is addressing. Moreover it is equally unclear how amending existing law to require an agency to report security breaches for personal information to both the Attorney General and Department of Administration will enhance or improve the process the state already employs.

The integrity of state information systems, especially how we protect personal information, is paramount to me. I would encourage concerned legislators to work with the Department of

Administration and other executive branch agencies over the next year to identify issues and potential solutions.

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

[H 161](#), as amended, with the Governor's Veto Message attached, was ordered held at the Desk.

THE OFFICE OF THE GOVERNOR
Boise

April 20, 2009

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I am returning herewith, without my approval, disapproved and vetoed:

[H 245](#)

within the time limited by law, the same having arrived in the Office of the Governor at the hour of 11:25 a.m. on April 17, 2009.

House Bill 245 seeks to establish a Parents as Teachers Program under the Idaho Childrens Trust Fund. It would authorize the Childrens Trust Fund to pursue grants and other sources of funding to support the program. However, while proposed as a privately funded effort initially, this legislation runs the substantial risk of creating public expectations of new or expanded state government services.

Whats more, a similar effort already exists within the Family Advocate Program. The proposed new program would be competing with that existing effort for private donations, grants and gifts potentially undermining and diluting the effectiveness of both efforts.

The original Parents as Teachers program initially was funded by a federal grant. However, there was a hue and cry from some of the programs well-intentioned advocates for Idaho taxpayers to pick up the tab once the federal money ran out. I am determined that we not repeat such an experience.

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

[H 245](#), with the Governor's Veto Message attached, was ordered held at the Desk.

OFFICE OF THE GOVERNOR
Boise

April 20, 2009

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

[H 242](#)

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

April 20, 2009

Mr. Speaker:

I transmit herewith enrolled [S 1207](#), [S 1208](#), [S 1209](#), [S 1210](#), [S 1211](#), [S 1212](#), [S 1217](#), [S 1218](#), [S 1219](#), [S 1220](#), and [SCR 111](#) for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled [S 1207](#), [S 1208](#), [S 1209](#), [S 1210](#), [S 1211](#), [S 1212](#), [S 1217](#), [S 1218](#), [S 1219](#), [S 1220](#), and [SCR 111](#) and, when so signed, ordered them returned to the Senate.

April 20, 2009

Mr. Speaker:

I return herewith enrolled [H 24](#) which has been signed by the President.

WOOD, Secretary

Enrolled [H 24](#) was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

April 20, 2009

Mr. Speaker:

I return herewith enrolled [H 268](#), [H 272](#), [H 273](#), [H 274](#), [H 276](#), [H 277](#), [H 280](#), [H 282](#), [H 283](#), [H 284](#), [H 290](#), [H 291](#), [H 292](#), [H 293](#), [H 294](#), [H 295](#), [H 296](#), [H 297](#), [H 298](#), and [H 300](#) which have been signed by the President.

WOOD, Secretary

Enrolled [H 268](#), [H 272](#), [H 273](#), [H 274](#), [H 276](#), [H 277](#), [H 280](#), [H 282](#), [H 283](#), [H 284](#), [H 290](#), [H 291](#), [H 292](#), [H 293](#), [H 294](#), [H 295](#), [H 296](#), [H 297](#), [H 298](#), and [H 300](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

April 20, 2009

Mr. Speaker:

I return herewith [H 178](#), as amended, [H 312](#), and [H 313](#) which have passed the Senate.

WOOD, Secretary

[H 178](#), as amended, [H 312](#), and [H 313](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

April 21, 2009

Mr. Speaker:

I return herewith [H 96](#), as amended in the Senate, which has passed the Senate.

WOOD, Secretary

[H 96](#), as amended in the Senate, was ordered held at the Desk.

Mr. Nonini asked unanimous consent that the House concur in the Senate amendments to [H 96](#), as amended in the Senate. There being no objection, it was so ordered.

[H 96](#), as amended in the Senate, was referred to the Judiciary, Rules, and Administration Committee for engrossing.

Report of Standing Committees

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 306](#) and [HCR 30](#).

CLARK, Chairman

The Speaker announced he was about to sign enrolled [H 306](#) and [HCR 30](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

April 21, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [H 267](#), as amended in the Senate, [H 258](#), as amended in the Senate, [H 218](#), as amended in the Senate, and [H 187](#), as amended in the Senate.

CLARK, Chairman

[H 267](#), as amended in the Senate, [H 258](#), as amended in the Senate, [H 218](#), as amended in the Senate, and [H 187](#), as amended in the Senate, were filed for first reading of engrossed bills.

April 21, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [H 96](#), as amended in the Senate.

CLARK, Chairman

[H 96](#), as amended in the Senate, was filed for first reading of engrossed bills.

April 20, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 231](#) and [H 248](#) to the Governor at 11:35 a.m., as of this date, April 20, 2009.

CLARK, Chairman

April 21, 2009

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [S 1204](#) and [S 1215](#) and recommend that they do pass.

LOERTSCHER, Chairman

[S 1204](#) and [S 1215](#) were filed for second reading.

There being no objection, the House advanced to the Ninth Order of Business.

First Reading of Engrossed Bills

[H 267](#), as amended in the Senate, by Revenue and Taxation Committee, was introduced, read the first time by title, and filed for second reading.

[H 258](#), as amended in the Senate, and [H 218](#), as amended in the Senate, by State Affairs Committee, were introduced, read the first time by title, and filed for second reading.

[H 187](#), as amended in the Senate, by Business Committee, was introduced, read the first time by title, and filed for second reading.

[H 96](#), as amended in the Senate, by Transportation and Defense Committee, was introduced, read the first time by title, and filed for second reading.

Second Reading of Bills and Joint Resolutions

[S 1214](#), by State Affairs Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that [SCR 112](#) be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

[SCR 112](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wood(27) to open debate.

Mr. Wood(27) asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of [SCR 112](#). There being no objection it was so ordered.

The question being, "Shall [SCR 112](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Black, Clark, Durst. Total – 3.

Total – 70.

Whereupon the Speaker declared [SCR 112](#) adopted and ordered the resolution returned to the Senate.

Mr. Moyle asked unanimous consent that [S 1221](#) be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

[S 1221](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. McGeachin to open debate.

The question being, "Shall [S 1221](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Eskridge, Gibbs, Hart, Hartgen, Henderson, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – Barrett, Durst, Hagedorn, Harwood, Higgins, Schaefer. Total – 6.

Absent and excused – Black, Clark. Total – 2.

Total – 70.

Whereupon the Speaker declared that [S 1221](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 96](#), as amended in the Senate, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 96](#), as amended in the Senate, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – Durst. Total – 1.

Absent and excused – Black, Clark. Total – 2.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 96](#), as amended in the Senate, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

The question being, "Shall [H 96](#), as amended in the Senate, pass?"

Roll call resulted as follows:

AYES – Anderson, Black, Boe, Burgoyne, Chavez, Eskridge, Higgins, Jaquet, Pasley-Stuart, Pence, Ringo, Rusche, Saylor, Smith(30), Smith(24). Total – 15.

NAYS – Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Chadderdon, Chew, Clark, Collins, Crane, Cronin, Durst, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Patrick, Raybould, Roberts, Ruchti, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 55.

Paired Votes:

AYE -- Jaquet NAY -- Clark

AYE -- Black NAY -- Wills

(Pairs enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker declared that [H 96](#), as amended in the Senate, failed to pass the House and ordered the bill filed in the office of the Chief Clerk.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 9:30 a.m., Wednesday, April 22, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:40 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk